

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

GARY SOLOMON

No. 15 CR 620

Judge Edmond E. Chang

MOTION FOR SENTENCE REDUCTION UNDER RULE 35(b)(2)(B)

Now comes the UNITED STATES OF AMERICA, by and through its attorney, JOHN R. LAUSCH, Jr., United States Attorney, hereby moves, pursuant to Rule 35(b)(2)(B) of the Federal Rules of Criminal Procedure to reduce defendant's 84 month sentence, imposed in March 2017, by 10% to 15% based on substantial assistance. This motion is made upon the following grounds:

I. BACKGROUND

Defendant Gary Solomon and others were charged with knowingly devising, intending to devise, and participating in a scheme to defraud and to obtain money and property through bribery and kickbacks, in violation of 18 U.S.C. § 1343 (Count 1); for the purpose of executing that scheme, knowingly causing wire communication in interstate commerce, in violation of 18 U.S.C. § 1343 (Counts 2, 3, 4, 6); for the purpose of executing that scheme, knowingly causing mailings by a commercial interstate carrier, in violation of 18 U.S.C. § 1341 (Counts 5, 7-20); conspiring with another defendant to corruptly give, offer, and agree to give anything of value with the intention of being influenced and rewarded in connection with any business, transaction, and series of transactions of \$5,000 or more, in

violation of 18 U.S.C. § 371 (Count 21); and corruptly giving, offering, and agreeing to give anything of value with the intention of being influenced and rewarded in connection with any business, transaction, and series of transactions of \$5,000 or more, in violation of 18 U.S.C. § 666(a)(2) (Counts 22 and 23). R.1

On October 18, 2016, defendant pled guilty to Count 1 of the indictment, pursuant to a written plea agreement. R. 333. On March 24, 2017, the Court sentenced the defendant to 84 months imprisonment on Count 1, which was below the advisory Guidelines range of 108 to 135 months' imprisonment. R. 110.¹

II. SUBSTANTIAL ASSISTANCE TO THE GOVERNMENT

Prior to his sentencing, defendant provided the government with information about a matter that was being investigated by the Maryland State Prosecutor's Office (the "Maryland matter"). At the time that the defendant provided the information, it had not become useful to the government for Rule 35 purposes.

Following his sentencing in this case, defendant agreed to continue to provide information and did provide additional information about the Maryland matter to that Office at its request. Since the conclusion of that matter in 2019, the government has determined that the information the defendant provided has become useful and amounts to substantial assistance as contemplated by Rule 35(b)(2)(B).

¹ The Court calculated the total adjusted offense level as 31 and combined it with Criminal History Category I to reach this suggested range. R. 110 at 29-30.

Accordingly, the government asks this Court, pursuant to Rule 35(b)(2)(B), to reduce the defendant's present sentence of 84 months by 10% and not more than 15% based on his substantial assistance in the investigation and prosecution of the Maryland matter. Such a reduction would reduce the defendant's 84 month sentence to either 75 months of incarceration or 71 months of incarceration. The government anticipates that counsel for defendant will seek a greater reduction and that further details can be provided to the Court at that time.

III. CONCLUSION

For the foregoing reasons, the government respectfully requests that the Court grant the government's motion.

Respectfully submitted,

JOHN R. LAUSCH, Jr.
United States Attorney

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